IN THE HIGH COURT OF JUDICATURE AT BOMBAY

INSOLVENCY JURISDICTION

PETITION NO.154 OF 2005.

Re:- Bhairu M. Kanse.
...Judgment Debtor.

Ex-Parte :-
M/s. R. P. Sanghvi & Co..
...Petitioning Creditors

Ms. N.G.Solanki,Advocate i/by Kiran Jain & Co. for the Petitioning Creditors.

None for the Judgment Debtor.

CORAM : ANOOP V. MOHTA,J.

DATED : 20th March, 2007

P.C.

The averments made by the petitioner in the petition under the Provincial Insolvency Act, 1920 (for short, "Insolvency Act") for an order of adjudication is remained uncontroverted even on merits though served. The basic ex-parte judgment and decree in Summary Suit No.3919 of 2003 passed against the defendant/Judgment Debtor, also remained uncontested. The petitioning Creditors have taken all necessary steps and followed the procedure as contemplated under the Insolvency Act. The joint affidavit of service

dated 1st December, 2006 has already been filed. There is an endorsement by the Insolvency Registrar that this is a proper affidavit of service.

2. In view of this, the petition is allowed in terms of prayer clause (a).

3. However, the Judgment Debtor if paid total amount as claimed or settled the claim on or before 22/06/2007, the petition be placed on board for directions. The office to intimate the order accordingly, within one week.

4. The insolvency Registrar should take steps in accordance with law in case the Judgment Debtor fail to make the payment as observed in above para.

5. The petition stands disposed of accordingly.

[ANOOP V. MOHTA, J.]